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Attorney for Plaintiff  
WAYNE BERRY

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

WAYNE BERRY, a Hawaii citizen;	)	Civ. No. CV03 00385 SOM-LEK
	)	(Copyright)
Plaintiff,	)	
	)	
vs.	)	
	)	<b>PLAINTIFF WAYNE BERRY'S <i>EX</i></b>
HAWAIIAN EXPRESS SERVICE,	)	<b><i>PARTE</i> MOTION FOR ORDER</b>
INC., a California corporation; et al.	)	<b>SHORTENING TIME FOR</b>
	)	<b>HEARING ON PLAINTIFF</b>
	)	<b>WAYNE BERRY'S MOTION FOR</b>
	)	<b>RECUSAL</b>
	)	
	)	
Defendants.	)	
	)	Non-Hearing:
	)	(First Request)
	)	
	)	
	)	<b>MAGISTRATE JUDGE:</b>
	)	Hon. Leslie Kobayashi
	)	
	)	

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**PLAINTIFF WAYNE BERRY'S *EX PARTE* MOTION FOR ORDER  
SHORTENING TIME FOR HEARING ON PLAINTIFF WAYNE BERRY'S  
MOTION FOR RECUSAL**

COMES NOW, Plaintiff Wayne Berry ("Plaintiff"), by and through his undersigned counsel, and hereby respectfully moves this Court *ex parte* for an order shortening time on the hearing on Plaintiff's Motion For Recusal.

This Motion is brought on the grounds that Mr. Berry has filed a Motion for Recusal regarding the post-trial free related motions that have been referred to the Magistrate Judge. In light of facts that have become known regarding the conduct of a party to this case and the impact this may have on counsel who is a personal friend of the Magistrate Judge, Mr. Berry believes that the Magistrate Judge must recuse.

After corresponding with Counsel for the remaining parties, agreement has been reached on briefing as follows: any response or opposition is to be filed by Wednesday May 17, 2006 at 5:00 pm HST with any reply due by Friday May 19, 2006 at 12:00 noon HST. The Court is respectfully requested to set a hearing at the earliest date thereafter.

This Motion is brought pursuant to L.R. 6.2 (e) and is supported by the Declaration of Timothy J. Hogan and filed with this Ex Parte Motion for Order Shortening Time and the proposed form of order submitted with this *ex parte*

motion.

DATED: Honolulu, Hawaii, May 10, 2006.

/S/Timothy J.Hogan  
TIMOTHY J. HOGAN  
Attorney for Plaintiff